

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Yasmin Mohamed p/k/a Yasminah,

Plaintiff,

v.

Abel Makkonen Tesfaye p/k/a The Weeknd;
Guillaume Emmanuel de Homem-Christo and
Thomas Bangalter p/k/a Daft Punk; Martin
McKinney p/k/a Doc; Henry Walter p/k/a Cirkut;
Jason Quenneville p/k/a DaHeala, XO Records,
LLC; Republic Records; Universal Music Group;
William Uschold p/k/a WILL U; Tyrone
Dangerfield p/k/a TABOO!!; Squad Music
Group; and DOES 1-10,

Defendants.
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Case No. 18-cv-8469 (JSR)

**DECLARATION OF DEFENDANT ABEL MAKKONEN TEFAYE
IN SUPPORT OF MOTION TO DISMISS OR TRANSFER**

I, Abel Makkonen Tesfaye, declare and state:

1. I am over the age of 18 and have personal knowledge of the following facts and could competently testify to the following facts if called upon to do so.

2. I am a singer, songwriter and record producer and am professionally known as The Weeknd.

3. I am a citizen of Canada, where I was born in 1990. I have resided in California since 2016 under a United States visa issued to me, and I intend to continue to reside there as my home.

4. In August 2016, the State of California's Department of Motor Vehicles issued to me a California driver's license, which I still have today.

5. As a professional singer, I perform and have promoted my recordings all over the United States, including New York, and elsewhere. But I have never resided in New York, and I have never been issued a New York driver's license.

6. I do not own any real property in New York.

7. I have recently rented a condominium in New York City, beginning in October 2018. I rent it as a convenience and a place to stay when I am visiting New York City.

8. I am the managing and sole member of The Weeknd XO, LLC ("Weeknd XO"), which is a Delaware limited liability company registered to do business in California and with its principal place of business in California.

9. Weeknd XO owns master sound recordings that feature my performances, including the master sound recording titled *Starboy*. Weeknd XO also owns the copyright in the music video titled *Starboy*.

10. Weeknd XO's sound recordings are distributed by other companies, in various parts of the world. One of those companies is UMG Recordings, Inc. ("UMG Recordings") and its record label or division known as Republic Records. I am not an owner, in whole or part, and am not an employee, of UMG Recordings or its Republic Records label.

11. As to the process of creating new sound recordings, my dealings with UMG Recordings' Republic Records label are through one of its artist and repertoire ("A&R") representatives, Wendy Goldstein, in Republic Records' offices in Santa Monica, California. Except when we are traveling, all of my dealings with her have been in California.

12. I am a co-writer of the musical composition titled *Starboy* and a co-producer of the sound recording *Starboy*. The *Starboy* sound recording and a music video also titled *Starboy* include my performance of the musical composition *Starboy*.

13. The *Starboy* composition and sound recording were created in 2016 by combining in Los Angeles County, California, recordings provided by Guillaume Emmanuel de Homem-Christo and Thomas Bangalter, who are known professionally as Daft Punk, with music and lyrics that Martin McKinney, Henry Walter, Jason Quenneville and I created.

14. My understanding and belief, including from Mr. de Homem-Christo and Bangalter, is that the recordings they contributed to the creation of *Starboy* were created by them in Paris, France.

15. My understanding and belief, including from my conversations with Mr. de Homem-Christo and Bangalter, is that they reside in France.

16. I have known Martin McKinney and Henry Walter for 8 years and I understand and believe Martin resides in Toronto, Canada and Henry resides in California.

17. The contributions of Mr. McKinney, Mr. Walter and Mr. Quenneville to *Starboy* were created in my presence in Conway Recording Studios, in Hollywood, California, and my contributions to *Starboy* also were created in Los Angeles County, California, including at Conway Recording Studios. At Conway Recording Studios, these various contributions to the creation of *Starboy* were combined to create the musical composition and sound recording, *Starboy*.

18. My understanding is that the *Starboy* sound recording was “mastered” at a studio in New York, which then forwarded it to Republic Records A&R team in their Santa Monica, California, offices.

19. The *Starboy* music video was created and produced in California. I know that because I was personally involved in the creation and production of the music video and I appear in the music video.

20. I have performed the musical composition *Starboy* at concerts and promoted it in television or other appearances throughout the United States and outside the United States. Of

course, New York is one of those places. For example, attached to this Declaration as Exhibit 1 is a list of over 110 concerts since the September 2016 release of *Starboy* and at which I believe I performed *Starboy*, and only four of those performances were in New York.

21. The witnesses in California to the creation the *Starboy* musical composition, sound recording and music video include not only the individuals identified above, but also, among others:

(a) Wendy Goldstein, who is the A&R, or “artist and repertoire,” representative at Republic Records, in its Santa Monica, California, offices, with whom I deal, including in connection with the creation and recording of songs, including *Starboy*.

(b) Grant Singer, who directed the *Starboy* music video.

(c) My business managers, David Weise & Associates, in Encino, California, and who maintain my and my companies’ financial records, including regarding *Starboy*.

(d) My personal managers, Tony Wassim Salibi and Amir Esmailian, who were present at various times at the recording studio in Hollywood, California, when the *Starboy* album was recorded.

(e) My talent agents, Joel Zimmerman, Sarah Newkirk and John Marx, who are agents at William Morris Endeavor, and who also were present at various when the *Starboy* album was created.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 18, 2018.

A handwritten signature in black ink, appearing to read 'A.M. Tesfaye', is positioned above a horizontal line.

ABEL MAKKONEN TESFAYE